

**Honourable Members of the Legislative Assembly Management Committee:**

I write this letter and the attached statement in response to your request for a statement regarding the allegations made by the Speaker and his aide, Mr. Mullen, in their January 2019 report (the “Report”).

As you know, I did not receive the Report until it was publicly released on January 21, 2019. I have requested but have not been afforded the opportunity to ask legislative staff to assist me in preparing a response with the benefit of their recollections, or to have access to documents which I know will support my response. Instead, I have been made to rely on my memory.

As set out in my attached statement the Report is inaccurate. I have not engaged in wrongdoing or misconduct.

Furthermore, the Report is in many instances, illogical.

To take one example, the Speaker suggests he signed a document pertaining to employment benefits because he was afraid I “would leave with the piece of paper and [he] would lose any evidence”. If the Speaker had concerns regarding benefits payable to executive employees (as I note below, he never raised any, and this particular benefit was his idea, not mine), he could and should have asked a question. If he wanted to keep the piece of paper as “evidence”, all he had to do was ask me to leave it on his desk so he could think about it.

Similarly, if the Speaker harboured concerns regarding my expenses, I cannot fathom why he explicitly approved them, both orally, and in writing, including in the following e-mail he sent me on August 25, 2018:

Re: My expense claims

Hi Craig.

Following our discussion Friday morning about our business trip to the UK I omitted to sign your expense claim. By this email I approve your expenses. As we discussed and for future reference I will approve your out of country expenses in the future.

Please have Financial Services process our reimbursement claims and that of the Sergeant-at-Arms expeditiously.

Sincerely,  
Honourable Darryl Plecas  
Speaker

This e-mail was sent after I reviewed my expense claim in detail with the Speaker in his office. He expressed no concerns. How could he approve the claims and ask that they be processed expeditiously if there was anything wrong with them?

The concerns that are now raised take me absolutely by surprise. I am deeply concerned with the process the Speaker and Mr. Mullen have followed, both in their dealings with you, and in the manner in which they prepared and disclosed the Report.

I am disappointed that the issues outlined in the Report were not brought to my attention for explanation and discussion, either at the time the concerns are said to have arisen in the Speaker's mind, or at the very least, before the Report was disclosed. I had no opportunity to explain why those concerns are not well founded before my reputation was demolished on the basis of a one-sided and inaccurate document.

The Report goes out of its way to smear my character. It refers to historical and long since resolved issues. It contains anonymous and unparticularized assertions. It contains opinions and innuendo which are neither accurate, nor fair. It attributes statements to me which I never made, and conduct in which I never engaged.

It has been impossible for me to respond to each and every sentence of the Report in the time that you have given me. As a result, I have attempted to identify what appear to be the main allegations in the Report, and have organized my responses by topic. I hope you will see from my responses that the Speaker's assertions of misconduct are not well founded. This does not mean that I accept the numerous other assertions and innuendos. I do not. I just have not yet had time to deal with them.

Although I report to the Speaker, I do not work for him. I work for the Legislative Assembly as a whole. This letter is addressed to you, not to the Speaker.

I wish to get back to my work for the Assembly. To the extent the enclosed statement does not answer every question you may have, I am committed to addressing any remaining issues in a fair process. I welcome the involvement of an independent auditor. I have repeatedly indicated to the RCMP that I wish to cooperate with their investigation. They have not taken me up on that offer.

I am proud of those that work in the Assembly. They are hardworking, dedicated and professional people committed to ensuring that the Legislative Assembly of British Columbia is managed properly in an open and transparent process. I believe we are respected leaders across the globe.

I have a lot that I want to accomplish before I retire - which is not long off - such as improving the physical security of the Legislative Precinct, incorporating an aboriginal program in the Legislature including more diversity at the Table, retrofitting and seismically upgrading the infrastructure on the grounds, producing a 5<sup>th</sup> edition of *Parliamentary Practice in British Columbia*, and many other initiatives to continue our collective pursuit of an economical, efficient, inclusive, and state of the art legislature.

I hope that you will carefully review my response and, having done so, give me the opportunity to continue that work.

Sincerely,

A handwritten signature in black ink, appearing to read "C. James".

Craig James  
Clerk of the Legislative Assembly of British Columbia

## RESPONSE OF CRAIG JAMES TO THE REPORT OF SPEAKER DARRYL PLECAS

### **Introduction: The Role of the Clerk and My Dealings with the Current Speaker**

#### *The Role of the Clerk & Implementation of Oversight Bodies*

1. Exhibit 26 to the Report sets out a summary of the duties of the Clerk of the Legislative Assembly of British Columbia, which include duties within the Assembly, administrative responsibility for a significant annual budget and a number of employees, protocol, Parliamentary research and procedure, and inter-parliamentary relations through the Commonwealth and beyond. Those duties necessarily require travel within and outside of British Columbia.
2. I was appointed as the Clerk by the Legislative Assembly in 2011. Around that time, the Auditor General had prepared a very unflattering report regarding the Legislature. Shortly after becoming the Clerk I engaged with the Auditor General to see that the problems which had been identified over the years were being fixed.
3. I met with him in an effort to assure him that his office could have virtually unfettered access to the Legislature. And so the doors were swung wide open. Shortly thereafter we received our first audit, and it was a clean audit. We have received a succession of them since. It was a massive undertaking to enable the Legislative Assembly to have its own standalone, independent and auditable financial statements and we joined only a few legislatures in Canada at the time with this standard.
4. The Executive Financial Officer and the Auditor General's designate were able to make the following statements to the Legislative Assembly Management Committee at its November 29, 2017 meeting:

We have reviewed the Legislative Assembly financial statements for the year ending March 31, 2017, with the finance and audit committee. That's in the report to this committee. Just some highlights from that. The Auditor General was in attendance at that meeting. She provided her final report on the financial statements, noting that she would be issuing a clean audit opinion on the financial statements. The Auditor General also indicated that no new management letter point recommendations were forthcoming for this year... The Legislative Assembly underspent its operating budget by \$5.4 million and its capital budget by \$1.4 Million.

...The Auditor General's opinion is a clean opinion, so the financial statements are fairly stated.

Mr. Speaker: Thanks very much...<sup>1</sup>

5. I have not operated in secret, nor have I kept facts from the Speaker or anyone else. My travel expenses are known (they are posted on the Assembly's website along with the rest

---

<sup>1</sup> <https://www.leg.bc.ca/content/HansardCommittee/41st-LAMC/20171129pm-LAMC-Victoria-n1.pdf>

of the Executive on a quarterly basis along with the Members')<sup>2</sup>; my remuneration is disclosed in the public accounts; and, as the Report itself acknowledges, there is and cannot be any suggestion that my expenses were “not signed off or otherwise approved”.

6. This is in keeping with actions I have taken throughout my tenure as Clerk, to create and implement multiple levels of oversight and checks and balances in relation to financial and other matters. Furthermore, all of this is disclosed during our budget preparations which include extensive explanations.
7. I have created a number of management committees designed to provide oversight of Assembly operations. I began by creating an Executive Committee team consisting of me, the Deputy Clerk and Clerk of Committees, the Executive Financial Officer (a new position I established), and the Sergeant-at-Arms.
8. I then instituted an Audit Working Group (consisting of the Executive team and a former Comptroller and Auditor General), which is open to participation by Caucus Chairs and officials from the Office of the Auditor General. It meets weekly. Both the Executive Committee and the Audit Working Group arose out of recommendations made by the former Auditor General and Comptroller through a report I commissioned him to undertake of all Assembly Branches.
9. I created the Finance and Audit Committee consisting of the Caucus Chairs, the Speaker and me, with support from the Executive, and attendance by representatives of the Auditor General. The purpose of this committee is to discuss matters affecting caucuses and Assembly Branches, including new management control mechanisms.
10. With the assistance of these committees I believe I have effectively administered the budget of the Legislative Assembly, in an economical fashion. As the Legislative Assembly Management Committee's (the “LAMC”) August 2018 Accountability Report<sup>3</sup> notes, operations came in more than \$5 Million under budget. Since 2012 we have returned about \$35 million to the consolidated revenue fund.
11. To be clear, this achievement comes from a co-ordinated system which reviews, approves and monitors expenditures, capital or otherwise.
12. For example, when material purchases are made, the Executive discusses them and reviews briefing notes prepared in support of the plan or purchase. The need and rationale for the purchase are documented, as are approvals. For significant outlays of capital, approval is sought from the Finance and Audit Committee or the LAMC.
13. The Executive regularly reports to the Finance and Audit Committee and the LAMC on all significant projects and programs. The Executive Financial Officer prepares and

---

<sup>2</sup> <https://www.leg.bc.ca/content-committees/AccountabilityDocuments/accountability/docs/2018-19/Q2/Summary-Rpts/Exec-Staff-Travel-Summary-Q2-FY2018-19.pdf>.

<sup>3</sup> [https://www.leg.bc.ca/content/CommitteeDocuments/41st-parliament/LAMC/LAMC\\_AccountabilityReport\\_2016-17.pdf](https://www.leg.bc.ca/content/CommitteeDocuments/41st-parliament/LAMC/LAMC_AccountabilityReport_2016-17.pdf)

presents updates on capital projects and expenditures. There are active meetings with active financial oversight.

14. The Assembly and its financial affairs operate with multiple layers of oversight and balances, including audits (internal and external), an Executive Financial Officer, and a Financial Services group. The employees in Financial Services include a number of professional accountants; (before the reorganization there was only one).
15. This system of oversight extends to expenses (my own and those of others). Again, as the Report acknowledges at paragraph 116, “there is no suggestion that these expenses were not signed off or otherwise approved”. Indeed the Speaker himself has signed off on many of the expense claims with which the Report takes issue, as I address below.
16. It does not appear the Speaker raised any of the concerns that are found in the Report through these established and appropriate channels or levels of oversight - audit committees, the auditor general, and independent external professional accountants. Indeed, the Speaker signed off on audits and Accountability Reports which indicated no concerns.

*Business Continuity, Emergency Preparedness, and Inter-Jurisdictional Co-operation*

17. Like other jurisdictions, British Columbia faces risks from natural disasters, industrial accidents, and terrorism. In particular, Victoria is located in an active earthquake zone.
18. Legislatures must be prepared and be resilient to respond to emergencies in order to protect Parliamentarians, staff and visitors, as well as the business and structure of government, minimizing short term disruption and over the longer-term, allowing for a return to normality as soon as possible.
19. Federal and Provincial Auditors-General across Canada have conducted performance audits on emergency preparedness in recent decades, which have focussed attention on gaps in preparedness and the need for change. For example, in 1997, British Columbia’s Auditor General concluded that “governments in British Columbia are not adequately prepared for a major earthquake”, recommending strategic and operational changes to “reduce the scale of impacts, help return life to normal sooner than would otherwise occur, and reduce the cost of recovery.”
20. Follow up reviews were issued in 2002 and 2005, which found that improvements had been made, but significant additional work was required. In 2014, the Auditor-General published an evaluation of catastrophic earthquake preparedness in the Province, which noted concerted and sustained efforts had been taken, but additional improvements to risk analysis, plans and procedures, and integration of stakeholders were required.
21. Auditors-General have also recommend robust public sector business continuity plans, including clear and detailed contingency arrangements to ensure that parliamentary operating and financial services remain available during an emergency and have regular testing.

22. These reports and issues have been a significant focus of the Legislature's Select Standing Committee on Public Accounts, which has established a work plan of public hearings and field visits to enable Committee Members to discuss disaster preparedness through meetings with the Auditor-General, senior government officials and experts, and to hear first-hand from local officials who had experienced earthquakes in the Pasadena and Oakland areas.
23. Since I was appointed Clerk, I and others involved in the management of the Legislative Assembly have been actively working on programs relating to business continuity, earthquake preparedness and disaster recovery, through domestic and international efforts. I belong to the Legislative Assembly Business Continuity Network (LABCoN), an organization comprised of legislatures in various areas around the world which collaborate and share best practices in relation to business continuity and disaster preparedness.
24. These programs involve the acquisition of equipment and supplies. After internal discussions as well as collaboration with Emergency Management BC, a variety of initial purchases were made at the Legislative Assembly, including sea containers filled with emergency supplies and telecommunications equipment.
25. In 2013, the Legislative Assembly engaged KPMG to carry out a review of our business continuity planning. The report concluded that, overall, the Assembly was well prepared to respond to emergencies, with an experienced team, leading-class equipment, and regular exercises. However, the report suggested that more could and should be done, and confirmed that an important part of a robust emergency management and business continuity program involves learning from the experiences of other jurisdictions which have experienced disruptions.
26. In keeping with these recommendations, our programs included travel and international collaboration with Parliamentarians and security organizations who were working on similar programs around the world. Valuable fact finding and collaborative visits were undertaken to New Zealand and legislatures on the western coast of the United States, and the results of these visits were submitted to LAMC.
27. The World Bank, in collaboration with the Commonwealth Parliamentary Association, has been active in sponsoring meetings on the issue of earthquake preparedness, business continuity, and disaster recovery.
28. I published an article in the *Parliamentarian* which explained and summarized these efforts and work towards international cooperation.<sup>4</sup>
29. LAMC and others have issued reports and have been integrally involved in disaster preparedness and business continuity efforts. The Legislative Assembly 2014-2015 Accountability Report reported on sustained efforts directed towards "ensuring a secure and accessible Legislative Assembly – with updated equipment and training, strategic

---

<sup>4</sup> <http://content.yudu.com/web/1w6ew/0A1w6f0/ParlIssue2-2016/flash/resources/60.htm>

partnerships with police and intelligence agencies, and enhancements to our business continuity and emergency preparedness plan.”<sup>5</sup>

30. More recently, the August 2018 LAMC “Accountability Report”<sup>6</sup> notes that business continuity and emergency planning remain key objectives for the Legislative Assembly, and acknowledged the importance of international collaboration on these issues. LAMC set the following as a strategic objective for me to accomplish:

That a robust business continuity, earthquake preparedness, and disaster recovery program is implemented and maintained.

31. The work that I and others in the Legislative Assembly have taken on these matters has been part of a series of important and official initiatives. It is relevant to a number of concerns that are made in the Report, particularly with respect to trips that the Speaker took with me but now seems to discount in terms of business importance. They were important parts of these ongoing programs. Presumably that is why he approved them and went on them.

*Dealings with the Speaker - Positive Comments; Concern Regarding Recall*

32. Part 2 of the Report appears to suggest I attempted to exclude the Speaker from access to individuals and information. That was never my intention, and the Speaker did not raise this concern with me
33. Shortly after the Speaker’s appointment, I arranged for administrative briefings by the Executive. These administrative briefings covered all functions of the Legislative Assembly and I deferred to the Executive members as to who from their respective departments ought to participate. In addition to these briefings, I knew that the Speaker’s Executive Assistant was well-versed in the corporate history of the office and was a further resource for him to draw on.<sup>7</sup>
34. In one of our initial meetings, I explained to the Speaker that the LAMC had approved my authority over all Assembly employees except for caucus and constituency staff and staff in the Office of the Speaker, which was in keeping with a recommendation of the Auditor General. The Speaker never conveyed to me that he would like to see a change in this reporting structure.
35. Indeed, not only did the Speaker express no concerns, he stated how well he thought the place was being managed.
36. It is correct that the Speaker and I had a standing procedural meeting at 9:00 a.m. each day the House was in session. I do not agree that my advice to the Speaker was partisan

---

<sup>5</sup> <https://www.leg.bc.ca/parliamentary-business/committees-reports/16>

<sup>6</sup> [https://www.leg.bc.ca/content/CommitteeDocuments/41st-parliament/LAMC/LAMC\\_AccountabilityReport\\_2016-17.pdf](https://www.leg.bc.ca/content/CommitteeDocuments/41st-parliament/LAMC/LAMC_AccountabilityReport_2016-17.pdf)

<sup>7</sup> The Speaker subsequently dismissed his Executive Assistant, in circumstances which I found troubling, that I would be pleased to discuss with the LAMC in confidence.

in nature; I am aware of my obligation to act in an even handed manner. I do not vote in Provincial General Elections. The Speaker did not raise any such concerns with me. Rather, he mentioned to me early in the Spring Legislative Session last year that the Government House Leader had expressed his confidence and pleasure with my performance as Clerk.

37. The Speaker and I did have a difference of views as to how to best handle rancorous matters in the house, the Speaker on more than one occasion saying to me that he did not wish to follow my advice regarding disciplining a Minister or Government Private Member because “he did not want to upset the NDP”.
38. In addition to our discussions regarding the operation and management of the Legislative Assembly, a frequent topic of conversation with the new Speaker was the potential for “recall” proceedings.
39. Beginning shortly after his election as Speaker, Mr. Plecas repeatedly expressed concern regarding the potential that he would be recalled by the voters in his riding. He knew that I had served as Acting Chief Electoral Officer, and would frequently ask for my thoughts on how he could best fend off a recall process, and what the proceedings would entail.
40. In the Spring of 2018, these concerns appeared to intensify, and the Speaker told me that he “needed to find something that will help me avoid being recalled”.
41. As I discuss below, coincident with these concerns, the Speaker and Mr. Mullen were extremely excited in May and June of 2018 in relation to what the Report calls the “AB” matter and issues pertaining to the expenses of a member of the Assembly - Mr. Mullen stating “we’ve got [the Member]”.
42. As described below, this matter was dealt with by the Sergeant-at-Arms department, in accordance with proper procedures. An independent and confidential investigation established that the complaint was mistaken.
43. As to Mr. Mullen, the Speaker spoke to me in his office in November or December of 2017 to say that he was interested in hiring a special advisor as a constituency liaison officer. In January of 2018, the Speaker again mentioned hiring a special advisor as a constituency liaison officer. I said that I would be pleased to discuss this with the Executive Financial Officer if there was funding and a position description. I also asked the Speaker if the special advisor would have any other duties and he emphatically said, “no”.
44. While Mr. Mullen’s involvement in matters such as the incident involving “AB”, which I address below, were troubling, I believed the Speaker would act in accordance with required policies and procedures moving forward, and that he would ensure Mr. Mullen did the same.

## **Life Insurance**

45. One of the first allegations in the Report, which is said to be the genesis of the Speaker's concerns, is a suggestion that there is some impropriety in regards to a proposed life insurance benefit for me.
46. I do not accept that there was any impropriety.
47. The facts are as follows:
  - (a) The life insurance issue arose from a discussion the current Speaker had with a Legislative Officer, who had encountered issues with insurance because he was over 65. The Speaker told me about this conversation, and asked me if I was still eligible for life insurance. I said that I was not as I was beyond the age of 65, but said a previous speaker had verbally told me in 2011 that as a term of my employment, I should be entitled to receive life insurance payable by the Assembly (available only upon my death while employed by the Legislative Assembly, not otherwise). The current Speaker asked me who else in the Legislature had life insurance after 65, and I said the members do, regardless of how old they become while a Member of the Legislative Assembly of British Columbia.

The Speaker said this made sense, and the permanent officers should be treated in the same manner as members - and the arrangement should be formalized.

- (b) Because the prior arrangement was verbal, I thought it would be prudent to have the prior speaker confirm our discussion at that time. This is the "note to file" referred to in paragraphs 155-157 of the Report. I note that my travel to Penticton was not solely related to this note to file, but pertained to Legislative Assembly business that had arisen during the time Mr. Barisoff was speaker, which he continued to attend to thereafter.
- (c) The Speaker asked me to provide him with a draft form of letter for his consideration in 2017. I did so.
- (d) It was my understanding that the matter would have to be approved by LAMC before any such life insurance benefit would be effective.
- (e) The reason for the second letter (see paragraph 160 of the Report) was to correct an error in the first letter which stated that my "estate" should receive payment, when the language should have read "beneficiary".

48. If the Speaker did not think that the life insurance benefit was appropriate he did not have to sponsor it. If LAMC did not approve it, I understood it would not become effective. I see no impropriety in my actions.

### **The Wood Splitter and Trailer**

49. The Report suggests that I improperly took a wood-splitter and a trailer belonging to the Legislative Assembly to my house for the personal use of myself and Mr. Lenz.
50. This is not so.
51. First, the Sergeant-at-Arms had never even been to my house before November 21, 2018, the day we were removed from the Legislative Assembly.
52. Second, these items were purchased by the Legislative Assembly, through proper processes, for proper purposes. I was storing them while storage space at the Legislature (including a concrete pad and path for the trailer) was being constructed. This was supposed to be a short term proposition but it dragged on. All of this was done in the open and known to many people.
53. The facts are as follows:
  - (a) As noted above, there is a significant and concerted effort underway at the Legislative Assembly relating to business continuity, earthquake preparedness and disaster recovery. These programs involve the acquisition of equipment and supplies. After internal discussions as well as collaboration with Emergency Management BC, a variety of initial purchases were made, including sea containers filled with emergency supplies and telecommunications equipment. Our research and discussions with other jurisdictions suggest that in a catastrophic event people from the surrounding area, not just those in the Legislative Assembly, will be relying on us for help. This may include moving emergency items, cutting beams to rescue injured people and cutting and splitting wood to supply heat and light if there is no power.
  - (b) In 2017 additional purchases of equipment that could help in an emergency were made - this included the wood-splitter and trailer, chain saws, and other items.
  - (c) These items were acquired in accordance with accepted processes, which begin with a request for a capital item outlining the need and cost of proposed purchases. The Executive or the Audit Working Group considers these proposals.
  - (d) In relation to these specific items, while I do not have access to the records at present, there should be a “minute” arising out of a discussion at the Audit Working Group in 2017 regarding their purchase. Randy Spraggett, who was then the Manager, Facility Services, completed a procurement form. This form was brought to the Audit Working Group for approval. I recall that the procurement request was approved. I believe it would have been signed by myself, the Deputy Clerk and Clerk of Committees, the Executive Financial Officer, and the Sergeant-at-Arms.
  - (e) I also discussed the acquisition of the emergency equipment and supplies, including the trailer and wood splitter, with the Speaker. While I do not have

access to the document, I believe the Speaker would also have signed the procurement request form but this should be checked.

- (f) Facility Services then followed our procurement process by submitting the requisition to the procurement unit and when the items were found, the procurement unit and facility services purchased the items and arranged for their licensing and insurance.
- (g) I picked up the trailer - after learning that the delivery fee would be substantial, and the wood splitter, and stored them for a period while the space was being prepared.

54. It was not a secret that these items were stored at my house. I was told that a concrete pad and path for the trailer would take a couple of months to construct, primarily because it was difficult to find a contractor who was interested in taking on a small project like this. I believe that this was discussed at an Audit Working Group meeting..

55. I asked Mr. Spraggett and others in Facilities Services to tell me when the concrete path and pad would be constructed but the work was delayed.

56. I became frustrated at storing the trailer at my home because of its size. (I did not have the space - I live in a strata and not a rural property) and I arranged to have the trailer stored at an RV storage facility. This was known to the Executive Financial Officer (I recall raising the issue with her in my office).

57. The Report suggests the “trailer was not at the Legislative Precinct as of November 20, 2018” and that it “subsequently materialized”.

58. This is incorrect. I took the trailer to the Legislature prior to my removal from the Assembly on November 21, 2018. I have not been back there since. I called Randy Ennis to let him know that I was bringing the trailer a week or so before I dropped it off. When I was removed from the Assembly, I arranged through my lawyers for the pick-up of some personal items of mine from the Assembly and the delivery of items belonging to the Assembly, including the wood splitter.

#### **Interfering with the Investigation of “AB’s” allegations**

59. In its treatment of a “letter from a whistleblower”, the Report appears to suggest that I and perhaps others obstructed the course of an investigation.

60. This is not true.

61. I am not aware of all of the details, as investigations are carried out by the Sergeant-at-Arms, not the Clerk, but the facts that are known to me are as follows:

- (a) I understood that “AB” had suggested there were problems or concerns with the expense claims of an MLA. I further understood that Mr. Mullen was on the verge of taking this complaint to the police - which is not the proper process.

- (b) There is a clear process in place at the Legislative Assembly for the investigation of such issues. They are conducted through the office of the Sergeant-at-Arms, a Special Constable with strict responsibilities under the **Police Act**.
- (c) I never told the Speaker I was going to “rein Gary in”. The person who needed reining in was Mr. Mullen. I never made any effort to rein in Mr. Lenz.
- (d) The Speaker identifies a meeting that I had with Geoff Plant, Q.C. and asserts that it was to determine how to “rein in Gary”. Without getting into specifics, which I believe are privileged, my recollection is that my meeting with Mr. Plant involved a different legal matter that was before the court which affected the Legislative Assembly.
- (e) As I note in the introduction to this statement, I was unsettled by Mr. Mullen’s remark to the effect that “we’ve got [the Member]”. I considered his comment and attitude to be completely inappropriate. The Speaker also appeared gleeful - which I found appalling. The reputation of an individual involved in public life was at stake. Care ought to have been (and ultimately was) taken.
- (f) As I understand it, the Executive Financial Officer, and the Sergeant-at-Arms reviewed documents and information and were satisfied that there was no wrongdoing.
- (g) I never suggested anything should be covered up, suppressed, or concealed - I did, however, insist that proper procedures governing investigations at the Legislative Assembly be followed.

### **First and Second Travels to the United Kingdom**

- 62. I understand the Report to suggest that (i) I told the Speaker he had to travel to the United Kingdom; (ii) this travel was not useful; and (iii) various expenses incurred during this travel were excessive or inappropriate.
- 63. I do not agree.
- 64. The facts are as follows:
  - (a) I never told the Speaker where he must travel, but he did ask for my input on the issue. In fact, one of his very first directives was that staff create a 3-year travel plan for him. These locations included Uganda, China, New Zealand, the United States, various places in Canada, the United Kingdom, and Australia.

I suggested a good first official visit would include a customary procedural orientation at the U.K. House of Commons, as well as at the Scottish Parliament. I prepared an itinerary, and arranged meetings with the Commonwealth Parliamentary Association (the “CPA”), the United Kingdom Centre for the Protection of National Infrastructure (“CPNI”), and senior Members and staff within the Scottish Parliament and the Palace of Westminster on a wide range of

topics with applicability to the Legislative Assembly of British Columbia and the Speakership here, including the British Columbia Speaker's Forum, hosting the CPA's Executive Committee meeting in Victoria, and other projects and initiatives the CPA was developing among commonwealth legislatures.

The Speaker reviewed and approved the itinerary and travel arrangements, including airfare, accommodation, meeting venues, and topics of discussion. My recollection is that his words were "I love it!".

As for the Park Plaza Westminster Bridge, the Speaker was advised of the cost, the recommendation by the House of Commons and the proximity to the Palace of Westminster. I accept that hotels in London are quite expensive, particularly in light of the exchange rate, but do not consider our accommodations to have been extravagant or out of line (we did not stay in suites), and the hotel charged what to my knowledge was the going rate for a City of London hotel.

The Speaker was aware of and approved the itinerary and arrangements for the second trip to the United Kingdom as well.

(b) I believe these two official visits served useful and valid purposes, were the type of travel that is expected and customary for commonwealth legislative representatives, and paid dividends for the Legislative Assembly and the Province. For example:

- (i) There were meetings to discuss the renewal and restoration of the Palace of Westminster and lessons our counterparts had learned in that process which had application to the B.C. Legislature and plans to pursue our own restoration plan;
- (ii) We attended meetings to learn and implement vehicle mitigation and protection strategies to prevent possible attacks on the Legislature (this resulted in a United Kingdom security representative travelling to Victoria and examining our site and providing a two day seminar to which Members, senior staff and the Victoria City Police were invited);
- (iii) A meeting with the Secretary General of the CPA regarding parliamentary projects the CPA was undertaking and how BC might assist along with discussing the Speaker's Forum. The Legislative Assembly has a very close and productive relationship with the CPA and is recognized by the organization as a leading contributor to many of their programs throughout the world.
- (iv) A meeting in York related to business continuity with senior UK Cabinet Office officials skilled in this area along an expert who travelled from Edinburgh for the meeting. The end result was that these experts agreed to come to Victoria and spend a few days analyzing our business continuity efforts, appraise our plans, and conducted a table top exercise for our Executive and Directors. I believe that everyone who participated in the

three day event considered it to be very useful. Another benefit was that one of the experts agreed to waive their fees for the seminar, which I understand are in the range of \$15,000.

- (v) Meetings with the Scottish Parliament regarding business continuity and crisis planning. The individuals we met with are absolute experts in their areas and are recognized as such around the world. They (and we) are part of a group called the Legislative Assemblies Business Continuity Network consisting of the Scottish Parliament, U.K. House of Commons, the Canadian Senate and House of Commons, the Ontario Legislative Assembly, the New Zealand Parliament and the Legislative Assembly of British Columbia. We have been working for several years to produce a document on business resilience for legislative assemblies, particularly for those legislatures that may not have the human or financial resources to establish such a program.
- (vi) We participated in two days of “active shooter training”, designed to prepare for and manage the potential for an act of violence at the Legislature. There were discussions about the purchase of specialized equipment and demonstrations of same, which the Sergeant-at-Arms took the lead on.

This summary does not capture everything that we accomplished on our travels to the U.K.. But I believe it shows there was real value to our travel, and I consider it unfair and insulting to the senior and busy individuals we met with to characterize our meetings and other functions as social or unproductive.

The Speaker did not express concerns to me regarding travel; indeed, he expressed excitement about business trips and how he looked forward to developing his 3 year travel plan.

- (c) In relation to expenses incurred on this business travel, the Report is inaccurate and misleading:
  - (i) Purchases at the Parliamentary Gift Shops were not for personal use - with the exception of a bottle of scotch I bought as a gift for someone, which, as paragraph 28 of the Report notes, I did not claim as an expense. The other items were purchased for one of three reasons (i) as precedents or merchandise for display or sale in the Legislative Assembly’s own gift shop; (ii) prints to be framed for various offices or stationery to be used throughout the office; or (iii) as protocol gifts or for display in offices and elsewhere in the Legislative Assembly.
  - (ii) Three watches were purchased. Two were protocol gifts, to be presented to people who provide exemplary service to the Legislative Assembly, typically at retirement. It has long been the practice amongst commonwealth and other parliaments that gifts are purchased and kept in store to be provided to guests, individuals who provide services, long

standing employees, and others to whom a token of recognition is to be provided. Such items are often purchased in advance, and are either kept in a vault or on display at the Legislature before being provided to an individual.

The third watch was purchased at the specific direction of the Speaker.

- (iii) The Speaker asked me to purchase House of Commons cufflinks for him, which I did. The other cufflinks were not for me; they were destined for the Deputy Speaker and other Table and Presiding Officers for official use.
- (iv) I bought a suit. I had been working on a plan to modernize the clothing worn at the Table in the House (which consists of cumbersome and expensive gowns), to be more akin to the business attire worn at the Table in the Quebec National Assembly and the Scottish Parliament.

Transitioning to modern business attire for everyday use in the Legislative Assembly will lead to a savings of money, given the thousands of dollars that we spend each year on garments worn by the Table Officers and Presiding Officers currently cost.

Sometime after we returned from the U.K., the Speaker told me that he had decided not to submit a reimbursement claim for the suit he had bought as he was concerned about what the Liberals would say and how it might affect his potential recall. The suggestion in the Report that he played coy as he “didn’t want to alarm [me]” is laughable. If the Speaker had any concerns about my conduct, I would have expected him to raise them. He never did.

- (v) The proposed trip to St. Andrews was the Speaker’s idea - my recollection is that he said he had a colleague there who was an expert in earthquake prediction. That colleague turned out to be unavailable for a meeting. As the transportation we had booked was non-refundable, we went to St. Andrews anyways.
- (vi) My wife accompanied me on our second trip to the U.K. I paid for her expenses. To my knowledge, the same was the case with the Sergeant-at-Arms. The Speaker had told us that his wife would be coming as well, but as the travel came closer, he said she had decided not to attend. The suggestion in the Report that transport from Ettington to York was more expensive because “there were four people travelling” is nonsense. The facts of the matter are (i) the Speaker asked for that transportation; (ii) he decided not to use the transportation at the last minute, as he wanted to meet someone at Cambridge to assist him in having his son enrolled at Cambridge University; (iii) the transportation could not be cancelled on short notice, and we utilized it without the Speaker while he attended to his personal business.

### **Retirement Allowance**

65. It was the Speaker who first raised the subject of a transitional allowance for the Legislature's permanent officers. He said that the permanent officers should receive an allowance similar to that provided to MLA's whereby transitional assistance was available for a period of time following their resignation or defeat at a Provincial General Election. The Speaker said that we should have the same benefit as the Members; he called it the "Executive Resignation Benefit", and wanted it to apply to the permanent officers as well as the Executive Financial Officer (who is not a permanent officer).
66. I told the Speaker I had already received a retirement allowance in 2012. He said the benefits for all permanent officers should track those given to MLAs. He asked me to draft a letter which would give effect to his proposal. I note that this process (asking for a draft letter to be prepared) is and has been customary practice with Speakers - they ask for a draft to be prepared for their consideration; whether to sign and approve is their decision to make, not mine.
67. In accordance with the Speaker's request, I prepared a draft for him to sign. He reviewed and signed the document. Any such benefit would have to be approved by LAMC and it was never put forward for approval. This did not happen.
68. The Speaker later said to me that he wanted to rescind the proposed allowance. He said it was because he was worried it would not be politically popular and he was worried about recall.
69. I told him that rescinding his letter was no problem. I prepared a draft text of a letter to do so. He personally delivered a copy to me in my office and nothing more was said about it.
70. I had no issue with the Speaker changing his mind, and did not believe there was ever an entitlement to the benefit at issue unless and until it had been ratified by the LAMC..
71. In relation to the retirement allowance I received in 2012, I note that:
  - (a) It was not my idea to create this benefit.
  - (b) The benefit was created by others who had the power to confer it on me and other officers.
  - (c) A legal opinion regarding the validity of the retirement allowance was provided to former Speaker Barisoff at his request.. After receiving the opinion Speaker Barisoff confirmed the program was in effect, but also brought it to an end

### **Security Clearance and Appointment as a Commissioner**

72. The Report references the fact I did not apply for a security clearance. I didn't need such a clearance. So I didn't apply for one. I have nothing to hide.
73. The Report also refers to the fact I asked the Speaker to appoint me and the Deputy Clerk as Commissioners. It is true that I asked the Speaker to appoint us commissioners under

the *Legislative Procedure Review Act*, R.S.B.C. 1996, c. 261, for the purposes of work we were performing to prepare a 5<sup>th</sup> Edition of “Parliamentary Practice in British Columbia” and other procedural reform and research including review of the Standing Orders and legislation applicable to the Legislative Assembly.

74. By tradition, the Clerk of the House has also been a Commissioner for the purposes of the *Legislative Procedure Review Act*. Given the project I was engaged in I thought it timely that the appointment should be made. In discussing the *Legislative Procedure Review Act* and the history of the Commissioner I recommended to the Speaker that the Deputy Clerk also be included as a Commissioner. The Speaker agreed and approved the appointments, which I felt would give proper legal effect to the preparation of the 5<sup>th</sup> Edition of Parliamentary Practice in British Columbia (in keeping with section 6 of the *Legislative Procedure Review Act*, which provides committee powers to a person appointed as Commissioner).
75. My motivation to be appointed Commissioner was driven by tradition, practice, and what I believed the *Legislative Procedure Review Act* required - not additional compensation, which in any event could not be paid unless it was “certified and approved by the Speaker” under s. 4(1).
76. The Speaker and LAMC recognized that the work I was performing with the Deputy Clerk was important; the House Leader referred to our work on “the bible”, and the Speaker was of the view that “we’re very lucky to have you doing this”.<sup>8</sup> There were no concerns - and if they were any, they should have been raised with me.
77. On a related note, the Report references a trip I took to the United Kingdom in February, 2018. It is true I took this trip. I engaged in lengthy and valuable meetings with procedural experts at the House of Commons and the House of Lords regarding their preparation for a new edition of Sir Erskine May’s Parliamentary Practice. I returned to Victoria with information I would not otherwise have obtained, and with the benefit of obtaining the work product of our colleagues in the United Kingdom, which drove efficiencies in our own work.

#### **Trip to China - the Speaker Reluctant to Attend, and incorrect claims for per diems.**

78. The Report suggests the Speaker was reluctant to travel to China, and implies expenses incurred on that trip were inappropriate.
79. This is not true.
80. The Speaker was extremely excited about our official visit to China and had approved it in its entirety prior to leaving.
81. This travel was long in the making, and related to twinning relationships between British Columbia and Guangdong Province, and the City of Vancouver and the City of Guangzhou. Members from the Guangdong Legislative Assembly came to Victoria in

---

<sup>8</sup> <https://www.leg.bc.ca/content/HansardCommittee/41st-LAMC/20181030pm-LAMC-Victoria-n3.pdf>

2013 and again in 2018, setting the stage for the official signing ceremony in Guangzhou in June of 2018.

82. At no time did the Speaker express any reservation about the trip, its content, its duration or any other facet. I do not understand why the Report would be critical of business class airfare when that mode of travel is in accordance with policies, and more importantly, was a mode of travel the Speaker demanded (and to be fair, is not an unreasonable expectation when travelling such large distances and having to work on the other end).
83. The travel pertained to the official business of the Assembly. When a meeting that was to be held in Hong Kong was cancelled, I suggested to the Deputy Speaker that we should return home a day earlier than planned; he agreed and I made arrangements.
84. In relation to *per diem* claims, I accept that the information included with the Report indicates I claimed more than the Speaker.
85. But I do not accept that this indicates wrongdoing. My per diem claims were not a secret, and were premised on the fact I paid the expenses of third parties during our travels, all of which was known to the Speaker.
86. Throughout our trip to China, the Speaker asked me to pay for food and drinks for various individuals who were assisting us - interpreters, counsellors, drivers, other staff. I did so, and claimed full per diems to off-set the amounts I had paid out of pocket. In hindsight, I accept it would have been better for me to claim these expenses other than through a per diem, but I did not have receipts for all of these expenses (which were larger than the per diem) and I did not believe this arrangement was inappropriate as it was known to the Speaker, and was not costing the Province more than would be the case if I submitted direct expense claims for reimbursement.
87. The Report also refers to luggage I purchased in Hong Kong. It is true I purchased this luggage. Several MLAs had requested the purchase of pieces of luggage which could form a small pool of luggage that would be available for anyone at the Legislative Assembly (staff or member) for official travel. The Speaker himself had complained to me that he felt he did not have sufficient luggage for the travel he was engaged in. The purchase in Hong Kong (and another purchase in London) were for this purpose. In preparing this response it has been pointed out to me that the receipt for this luggage purchase contains three items, the two pieces of luggage and a watch. I claimed for two items. But it appears that I accidentally claimed for the watch rather than one of the pieces of luggage. The cost is approximately the same for the two items but I will reimburse the small difference.

#### **Allegations Concerning Purchase of Liquor, and Items in the Premiers' Vault**

88. The Report refers to an incident in 2013 involving “\$10,000 worth of liquor” and suggests I took this liquor to former Speaker Barisoff.
89. My memory of this event, which took place more than 5 years ago, is imperfect.

90. But I categorically deny taking \$10,000 of liquor, to Mr. Barisoff, or otherwise.
91. What I do remember is that, along with a desk and chair that had been presented to him, and other personal effects, I took some amount of alcohol to Mr. Barisoff's house (certainly not \$10,000 worth) in the Okanagan when I was scheduled to meet with him on Legislative Assembly related matters.
92. I remember that Mr. Barisoff provided a cheque for the alcohol, payable to the Legislative Assembly. It should be in the records, which are unavailable to me.
93. The Report contains a further reference to alcohol in paragraph 120, referring to a "questionable" expense relating to wine from Painted Rock Estate Winery.
94. This was the Speaker's own wine.
95. These are the facts:
  - (a) Early in his tenure the Speaker expressed interest in having his own wine label; he told me other Speakers have their own labels. I politely suggested this could lead to political difficulties for the Speaker given the dynamics in the Legislative Assembly. He asked me to pursue this project on his behalf and I did to a certain degree.
  - (b) The Speaker suggested I speak to an MLA who had a relationship with a winery. I did so, and that MLA was able to obtain discounted wine from Painted Rock along with sample boxes and bags that could be used for a label design.
  - (c) The Speaker asked for two bottles of wine for his office and I brought two bottles. Each week, the wine was replenished; the Deputy Speaker had requested wine to present to dignitaries he was meeting with and I gave him some bottles over time as well.
96. When I purchase alcohol myself, I pay for it - whether that is scotch at the Parliamentary Gift Shop, or wine from the mini-bar in my room (see for example Page 8 of Exhibit 2 of the Report).
97. In addition to alcohol, the Report refers to items that were found in the Premier's vault. It implies I took "coins and the scroll from the Legislative Assembly for [my] own purposes".
98. That is false. The truth is that I was asked to review the material in the Premier's vault before repairs took place. The vault contained mementos dating back to the days of Premier Harcourt. I looked through the items, in the presence of another employee of the Legislative Assembly. Two items (the coins and scroll) fit nicely with a display I had created of our twinning arrangement with Guangdong Province. The items are on display in my office at the Legislative Assembly (why leave them in a vault when they can instead be seen by others?) but they are not my property, and I have never treated them as such.

**Other Conferences, World Bank seminars regarding Parliamentary Affairs, and Travel within British Columbia**

99. The Report references potential travel to New Zealand and Australia. It is correct that these matters were discussed. However, the manner in which they are depicted in the report is not accurate.
100. I raised the prospect of meetings in New Zealand with the Speaker as part of his request for a 3 year travel plan. I never said I would “take people for cover” - there were legitimate and important meetings to attend, and I had reached out to the offices of the Auditor General and the Executive Financial Officer and they both agreed the meetings would likely be useful. It was the Speaker who raised the prospect of going to Australia.
101. We did not travel to New Zealand. Late in the planning process we discovered the representative of Emergency Management B.C. who was to attend was soon to retire. The trip was postponed.
102. The Report also references a Legislative Assemblies Business Continuity Network conference which was hosted by our Assembly. This conference took place in Victoria and Bellevue, Washington.
103. This conference is an annual event. The first meeting was held at the Ontario Legislative Assembly in 2015, followed by a meeting at the Scottish Parliament in 2016, British Columbia in 2017 and at the Canadian Parliament in 2018.
104. Its purpose is collaboration between Parliaments and assemblies throughout the world to share best practices, knowledge, and resources in relation to this important matter, and to prepare publications relating to same. Between meetings, each assembly is assigned the task of writing a chapter for a publication, with those chapters to be discussed and approved when the group meets as a whole.
105. There was a detailed agenda for the conference. Presumably it can be obtained from the records, to which I have not been given access.
106. The meetings in Victoria surrounded business continuity and earthquake preparedness. A representative from Emergency Management BC attended.
107. As host of these meetings, as is customary practice in hosting Parliamentary conferences, British Columbia incurred most of the expense. As is also customary, there was a sightseeing portion of the agenda for visiting guests. Delegates paid for their own travel and accommodation, as is also customary.
108. The second portion of the meetings took place in Seattle and at the State Capitol in Olympia.
109. In Seattle, the group met with the head of security for Safeco Field where the topics of mass evacuations and protecting large scale public venues from attack were discussed in detail. This had applicability to all of our legislatures. We were offered tickets to a

baseball game, which many in the group had never seen. As host, my office paid for the tickets. Taking delegates to sporting or cultural events is standard practice for most if not all parliamentary jurisdictions.

110. While at the State Capitol experts and Assembly staff briefed the working group on their business continuity program, the Nisqually earthquake and its effect on the legislative buildings and precinct, and remedial efforts including strengthening and retrofitting the Capitol and precinct buildings.
111. The group returned to Bellevue where a working dinner was held as the final part of the event. The group reviewed its progress including its self-imposed timelines for completing its work, the meetings in Victoria, Seattle and Olympia, the concepts of certification and ISO standards in relation to parliamentary resilience plans, the work required before the next annual meeting and its potential location.
112. The gift shop purchase was for two small notepads with the state legislature insignia on the cover for business use.
113. Paragraph 122 of the Report refers to travel to the Lower Mainland and Penticton. The nature of my job is not restricted to Victoria - it necessitates meetings and business elsewhere in the Province. Each of the meetings listed were for Legislative Assembly Business. I met with John Hunter, Q.C. and Geoff Plant, Q.C. in relation to legal matters involving the Legislative Assembly. While we communicated by telephone and email in relation to routine matters, in person meetings were required from time to time. And I believed it was cheaper to have me travel to meet with counsel rather than to have a lawyer charge for his time travelling to Victoria. I met with current and former MLAs and the Speaker and Deputy Speaker in the Lower Mainland; again, for business purposes. In specific response to a criticism that I met with Mr. Plant and Mr. Barbeau, I did not meet with them at the same time - there were two separate meetings, one relating to legal advice to the Legislative Assembly, the other pertaining to obtaining reproductions of coastal BC paintings for legislature offices.
114. It was a rare occasion for me to fly or Heli-Jet to these meetings; I took the ferry.
115. The Report is critical of my use of Assured Loading Cards. It suggests I should have used reservations instead, and implies over \$10,000 was spent on this account. First, this fails to take into account the fact that an assured loading card fee *includes* the cost of a vehicle, passenger, and reservation fee. So the \$10,000 includes all of the costs of the ferry travel and is not in addition to the regular cost of the ferry. Second, reservations are often impracticable for business travel, if you do not know precisely how long a meeting will take and when the return ferry will be taken. If a reservation is missed for one of these reasons, it can lead to hours of delay, especially when travelling at the busiest times of the day, which is generally when I would travel from Victoria to Vancouver.
116. My involvement with the World Bank is well known and is a testament to the reputation the B.C. Legislature has throughout the world in assisting Parliaments in the developing world. The program is valuable and its expenses are to be paid by the World Bank.

### **Digital Subscriptions & Other Expenses**

117. I have reviewed the Report's description of this issue, and the receipts that are appended to it.
118. I accept that expenses incurred for several subscriptions should not have been charged to the Legislative Assembly. I accept that I did not take the care I should have in reviewing these invoices before they were processed for reimbursement to segregate out personal subscriptions (i.e. a Bicycling magazine) from subscriptions that were for business use.
119. I will reimburse these expenses, and I will exercise scrupulous care on this matter moving forward.
120. I do not agree that other expenses identified in the Report are inappropriate. A camera was purchased and used for legislative business. I was responsible for taking photographs of our official visit to China, and have and continue to compile photo journals for the Legislature. The "Dial a Geek" and computer products that were purchased were for my home office, and Legislature office. They are proper and legitimate tools which I used for my job, and have returned while I am on administrative leave. Finally, the Report refers to noise cancelling headphones. I suffer from a condition which causes ear problems when flying arising from a combination of sound and cabin pressure. The noise cancelling headphones were purchased to alleviate that condition.

### **Vacation Payouts**

121. Vacation reimbursements have been in effect since at least 1987 when I began my work at the BC Legislature. More recently, these payouts have been made to the Executive Financial Officer, the Deputy Clerk, the Sergeant-at-Arms and myself to name only a few in the Assembly. We work hard, and are required to be in the Legislative Assembly when the legislature is sitting, and have other significant management and other responsibilities we perform at other times; generally speaking, it is not practicable for us to take our full allotment of vacation days.
122. I did not understand there to be any problem with the fact I received a payout for unused vacation. This was approved through appropriate channels, and was not a benefit that was unique to me. Receipt of a payout of vacation was consistent with settled practice. If there is a concern about this moving forward, I believe the LAMC should consider the issue and develop clear rules.
123. I understand the Report to suggest that I am rarely in the office on Fridays. This is inaccurate, Audit Working Group meetings are held on Friday mornings. I am a member of the Audit Working Group and I attend its meetings, and work on Friday (and also often work evenings and weekends). Our lives are very similar to the Members – we are working 24/7 even when we find time to take our vacations.

**Other matters**

124. I have been given a deadline of February 7, 2019 for providing this report. I have done what I was able to do in this short period of time. I am willing to deal with any other matters that I have not got to, or overlooked, if required.